IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

WP(C).No. 29454 of 2005(F)

PETITIONER:

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1. RAPHEAL RAJAN,
   H.NO.28/3604(51/314), CORPORATION HARIJAN COLONY,
   KADAVANTHARA P.O., KOCHI-682 020.

2. K.J. BABY,
   SWEEPER, CORPORATION OF KOCHI,H.NO.28/3604(51/314)
   CORPORATION HARIJAN COLONY, KADAVANTHARA P.O.,
   KOCHI-682 020.

3. MERCY SASI,
   SWEEPER, CORPORATION OF KOCHI, H.NO.51/233,
   PULICKAL VEEDU, CORPORATION HARIJAN COLONY,
   KADAVANTHARA P.O., KOCHI-682 020.

BY ADV. SRI.S.MADHAVAN NAIR
SRI.P.K.SIVADASAN NAIR
SRI.S.MOHANDAS
SRI.V.B.PREMACHANDRAN
SRI.GNR.UNNITHAN

RESPONDENTS:

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1. DISTRICT COLLECTOR, ERNAKULAM.

2. CORPORATION OF COCHIN,
   KOCHI, REPRESENTED BY ITS SECRETARY.

3. VILLAGE OFFICER,
   ELAMKULAM, ERNAKULAM DISTRICT.

BY ADV. SRI.DEEPU THANKAN, SC. COCHIN CORPRN.
GOVERNMENT PLEADER SRI. BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO 29454/05

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1	COPY OF THE RATION CARD NO.1732022813
EXT.P2	COPY OF THE IDENTITY CARD NO.KL/11/072/495093
EXT.P3	COPY OF THE DUPLICATED IDENTITY CARD NO.BxD 1188556 ISSUED BY THE ELECTORAL REGISTRATION OFFICE, ERNAKULAM
EXT.P4	COPY OF THE RATION CARD NO. 1732002950
EXT.P5	COPY OF THE IDENTITY CARD NO. K.L./11/072/495162 ISSUED BY THE ELECTORAL REGISTRATION OFFICE, ERNAKULAM
EXT.P6	COPY OF THE RECEIPT NO.85733 DT.20.11.97
EXT.P7	COPY OF THE REPRESENTATION DT. 3.3.05 SUBMITTED BY THE 1ST PETITIONER BEFORE THE 2ND RESPONDENT
EXT.P8	COPY OF THE REPRESENTATION DT. 28.6.05 BY THE 1ST PETITIONER BEFORE THE 1ST RESPONDENT
EXT.P9	COPY OF THE SALE DEED NO.1412/91/1 EXECUTED BY THE COMMISSIONER, CORPORATION OF COCHIN

/TRUE COPY/

PA TO JUDGE.

ANTONY DOMINIC, J.

W.P.(C). NO. 29454 OF 2005

Dated this the 5th day of September, 2007

J U D G M E N T

Petitioners are the residents of the Corporation Colony, Kadavanthara, Kochi. According to them, the land occupied by them is earmarked for the last grade employees of the Corporation and they should be given documents of title in respect of the land occupied by them. They point out that similarly situated persons have been issued title over the properties held by them. In the aforesaid circumstances, this writ petition has been filed praying for directing the respondents to issue Patta or sale deed duly executed in the name of the 2nd and 3rd petitioners in respect of the 3 cents each of land occupied by them for their residential purposes.

2. Learned Government Pleader submits that the land in question belongs to the Corporation of Kochi and that it is essentially for the Corporation of Kochi to take a decision in the matter. It is also submitted that the land is earmarked for rehabilitation of landless last grade employees. According to him, once the Corporation takes a decision in the matter and if the decision is to assign the land in favour of the occupants like the petitioners, the Corporation itself shall issue documents of title in their favour.

3. Going through the pleadings in the writ petition, I notice that it is the definite case of the petitioners that landless employees have been

granted title in respect of the land occupied by them. The Corporation having done so, there is no reason to deny such benefits to the petitioners in this writ petition if they are similarly situated. This is all the more so for the reason that the land has been earmarked for the specific purpose of rehabilitating landless last grade employees like the petitioners.

Therefore, the Corporation of Kochi shall consider the case of the petitioners and take a decision on their claim for issuance of documents of title in respect of the land occupied by them. Such a decision shall be taken by the 2nd respondent Corporation, as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a copy of this judgment. If the Corporation agrees to the demand of the petitioners, necessarily documents of title, as issued in the case of other similarly situated employees, shall also be issued in favour of the petitioners without delay.

With these directions, this writ petition is disposed of.

ANTONY DOMINIC, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.8348/01

JUDGMENT

2nd August, 2007